

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FIRST DATA MERCHANT SERVICES LLC,

Plaintiff,

-against-

MM DEVELOPMENT COMPANY d/b/a PLANET 13;
SISTEM COMMERCE CITY LLC d/b/a SILVER STEM FINE
CANNABIS; KTZ HOLDINGS, INC. d/b/a SILVER STEM;
GTR SOURCE, LLC; NEW YORK CITY MARSHAL
STEPHEN W. BIEGEL; ML FACTORS FUNDING LIMITED
LIABILITY COMPANY; PELICAN COMMUNICATIONS,
INC. d/b/a THE PELICAN GROUP; LINX CARD, INC.; and
GIVV, INC.

Defendants, and

STRAND VIEW ENTERPRISES, LLC; SUNRISE
PHARMACY LLC; BLUE WAVE MANAGEMENT LLC;
INLAND MEDICAL CONSULTANTS, LLC d/b/a
ADVANCED THERAPEUTICS.

Intervenor-Defendants.
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Case No. 1:19-cv-10964 (PKC)


~~PROPOSED~~ ORDER

The Court has reviewed the joint letter motion and stipulation for the disbursal of the interpleaded funds submitted by MMD Development Company d/b/a Planet 13 (“Planet 13”), Sistem Commerce City LLC d/b/a Silver Stem Fine Cannabis (“Silver Stem”), KTZ Holdings Inc. d/b/a Silver Stem (“KTZ,” together with Silver Stem “Silver Stem”), GTR Source, LLC (“GTR”), Pelican Communications, Inc. d/b/a the Pelican Group (“Pelican”) Strand View Enterprises, LLC, Sunrise Pharmacy LLC, Blue Wave Management LLC; Inland Medical Consultants, LLC d/b/a Advanced Therapeutics (collectively, “Strand View”), and De Amsterdam d/b/a The Herb Center (“De Amsterdam”) (collectively, the “Parties”).

IT IS HEREBY ORDERED as follows:

1. De Amsterdam's Motion to Intervene (Dkt. No. 112) is Granted.
2. The parties' Stipulated Motion for the Disbursement of the Interpleaded Funds is Granted.
3. The Clerk of Court is directed to deduct from the income earned on the funds on deposit, a fee and tax withholdings as set forth in Local Rule 67.1 and authorized by the Judicial Conference of the United States, 28 U.S.C. § 1914 and is then direct to disburse the remaining funds as follows:
 - a. 45.852% (approximately \$284,083.15) to Cohen Tauber Spievack & Wagner P.C. Trust Account, as counsel for GTR, 420 Lexington Avenue, Suite 2400, New York, New York 10170
 - b. 31.495% (approximately \$195,127.82) to Heaton Fontano, Ltd. Trust Account, as counsel for Strand View, 136 E South Temple, Ste 1400 Salt Lake City, UT 84111
 - c. 16.683% (approximately \$103,361.14) to Cornerstone Law Group Trust Account, as counsel for Planet 13, 351 California St. Ste 600, San Francisco, Ca. 94104
 - d. 3.840% (approximately \$ 23,792.99) to Moore Law Trust Account as counsel for De Amsterdam, 600 Third Ave., 2nd Fl. New York, New York 10016
 - e. 2.130% (approximately \$ 13,195.46) to Sobel Law Offices P.C. Trust Account as counsel to Silver Stem, 175 Eileen Way, Syosset, New York 11791
4. GTR's cross-claims against Linx Card Inc. and Givv, Inc. are dismissed without prejudice;
5. Pelican's cross-claim against Linx Card Inc. and Givv, Inc. is dismissed without prejudice;
6. Upon disbursement of the funds, all other claims, cross-claims and counterclaims in this action are **DISMISSED**.

SO ORDERED.
1/11/2021



P. Kevin Castel
United States District Judge